

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

BIGLER JOBE STOUFFER, II,)
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 Plaintiff,)
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 vs.) No. CIV-09-320-C
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CHRIS EULBERG, et al.,)
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)
 Defendants,)

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff filed the present action pursuant to 42 U.S.C. § 1983, complaining that his counsel failed to provide effective assistance of counsel during habeas proceedings. Plaintiff also raised complaints about actions taken by prison personnel. At issue here are a Motion for Protective Order and a Motion to Compel Contemporary Civil Rights^{*} filed by Plaintiff. The motions seek Court assistance for alleged wrongdoing by Department of Corrections employees. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), the motions were referred to United States Magistrate Judge Robert E. Bacharach. Judge Bacharach has now issued two Report and Recommendations (“R&R”) addressing Plaintiff’s motions.

^{*} Although the Motions are styled differently, as Judge Bacharach noted, the substance of each makes clear that it seeks injunctive relief.

Judge Bacharach correctly notes that the relief sought by Plaintiff is unavailable through the present motions as there is an insufficient relationship to the allegations raised in the Complaint. Accordingly, the Court finds the R&Rs should be adopted in full.

As set forth more fully herein, the Report and Recommendations (Dkt. Nos. 69 and 86) are adopted in full. Plaintiff's requests for injunctive relief (Dkt. No. 57 and 70) are DENIED. This matter is returned to Judge Bacharach for further proceedings consistent with the original Order of Referral.

IT IS SO ORDERED this 11th day of January, 2010.



ROBIN J. CAUTHRON
United States District Judge